

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION

I, Allan Tameshtit, Ph.D., hereby declare the following:

1.) I am the professional assigned to the case involving Applicants Guerman Pasmanik and Larissa Tiour, and have first hand information about several of the facts surrounding this case. I am currently employed with BERESKIN & PARR, Toronto, Canada, Canadian Agents for the Applicants.

2.) I caused to be filed a U.S. patent application on the invention entitled:

SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY
AND OTHER OBJECTS

the specification of which was filed on March 3, 2004 as Application No. 10/790,845.

3.) I also caused to be filed concurrently with the U.S. patent application a Canadian patent application on the same invention entitled:

SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY
AND OTHER OBJECTS

the specification of which was filed on March 3, 2004 as Application No. 2459496.

4.) I hereby state that to my knowledge the subject matter disclosed in the Canadian patent application was not under a secrecy order at the time it was filed in Canada, and is not currently under a secrecy order.

5.) At the time of filing the U.S and Canadian patent applications concurrently on March 3, 2004, I believed that the inventive activities of the Applicants occurred in Canada. This belief was based on some or all of the following facts, supported by the accompanying corroborative material:

(a) On or prior to March 3, 2004, the Applicants provided a Canadian address for Passat, Ltd., where, to my knowledge, co-inventor Guerman Pasmanik is President and where co-inventor Larissa Tiour works (*see Exhibit A: facsimile messages received from Applicants, dated February 20, 2004 and February 27, 2004, having a Toronto address for Passat; see Exhibit B: three invoices #580333, 580335, 585382, with fees redacted, sent to Applicants at Passat in Toronto;*);

(b) On or prior to March 3, 2004, the Applicants provided a Toronto address for co-inventor Guerman Pasmanik (*see* Exhibit C: a copy of an application data sheet that accompanied the U.S. patent application);

(c) On or prior to March 3, 2004, the Applicants provided a Toronto address for co-inventor Larissa Tiour (*see* Exhibit C);

(d) On or prior to March 3, 2004, the Applicants told me that co-inventor Guerman Pasmanik is a Canadian citizen (*see* Exhibit C);

(e) On or prior to March 3, 2004, the Applicants provided a Toronto area cell phone number for Guerman Pasmanik, which I have used on a number of occasions to contact Guerman Pasmanik (cell phone number 416-878-1945);

(f) All meetings (approximately four in number) with the Applicants, in which at least Guerman Pasmanik was present, occurred in my Toronto law office;

(g) Facsimile messages to Guerman Pasmanik on 7/31/03 and 8/1/03 were sent to a Toronto fax number (*see* Exhibit D);

(h) New Client Name and Address Information Sheet lists Guerman Pasmanik of Passat, Toronto for billing attention (*see* Exhibit E); and

(i) Email sent to me by Guerman Pasmanik on August 11, 2003 lists a Toronto address for Passat (*see* Exhibit F).

6.) During a conversation on December 1, 2004 and on February 5, 2005 with Guerman Pasmanik, I was told that although some of the inventive activity of Guerman occurred in Canada, most of the inventive activity of Guerman Pasmanik occurred in the U.S. The inventive activity of Larissa Tiour occurred in Canada.

7.) After just recently discovering that some of the inventive activity of co-inventor Guerman Pasmanik may have occurred in the U.S., I diligently applied for a retroactive foreign filing license supported by this declaration.

8.) As evidenced by the facts and materials set forth above, the Canadian patent application was filed in error and without deceptive intent.

Because it is unclear whether a foreign filing license is required in this case, I wish to be conservative and request a retroactive foreign filing license.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code and that such willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

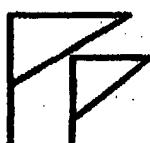
By A. Tameshit
Allan Tameshit
BERESKIN & PARR
40 King Street West, 40th Floor
Toronto, Ontario M5H 3Y2
Canada
(416) 364-7311 (Tel)
(416) 361-1398 (Fax)
Canadian Agents For Applicants

Dated: March 18, 2005

EXHIBIT A

RECEIVED
FEB 23 2004
Bereskin & Parr

EXHIBIT A



PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passattd.com

FAX

To: Allan Tameshit

Date/Time: Feb 20, 04.

Firm: Bereskin&Parr

Fax: (416) 361 1398

RE: 13592-2

Number of pages including this page: 2

Dear Allan,

Please see our fax attached. We add figure 6B.

Sincerely,
Guerman



PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passatltd.com

FAX

To: Allan Tameshit

Date/Time: Feb. 27, 04

Firm: Bereskin&Parr

Fax: (416) 361-1398

RE: Signature

Number of pages including this page: 2

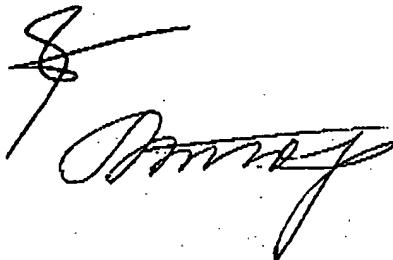
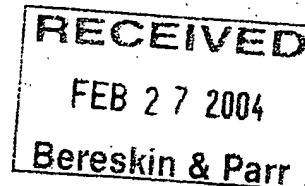
Dear Allan,

We are sending the declaration.

Sincerely,

Guerman

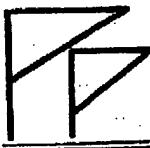
Larissa

Two handwritten signatures are present. The first signature, 'Guerman', is located above the second, larger signature, 'Larissa'. Both signatures are written in black ink on the right side of the page.

FROM : PASSAT

PHONE NO. : 4166610996

Dec. 02 2003 06:43PM P1



RECEIVED
DEC 02 2003
Bereskin & Parr

PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passatltd.com

FAX

To: Allan Tameshit
Firm: Bereskin&Parr
Fax: (416) 361 1398

Date/Time: Dec. 2, 03

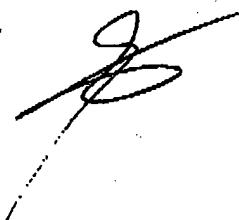
RE:
Number of pages including this page: 2

Dear Allan,

Please see our fax attached.

Figures 1-5 are the same as in your
email of 8 Sept. 2003.

Sincerely,
Guerman



Page 1 of 1

The information contained in this facsimile message is confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone.

EXHIBIT B

Bereskin & Parr
INTELLECTUAL PROPERTY LAW

Invoice

Passat, Inc.
Attn: Guerman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

May 19, 2004

Page 1

INVOICE # 580333 ✓

RE: 13592-2
US P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
02 Dec 03	Drafting Patent Application
03 Dec 03	Drafting Patent Application, including reviewing/checking, incorporating inventor comments, preparing figures, recalculating correct focal length, writing new claims and emailing inventor draft of application (including figures)
09 Dec 03	Drafting Patent Application, examining email sent to me by inventor
05 Jan 04	Drafting Patent Application: reviewing, sending email to client
06 Jan 04	Drafting Patent Application, including adding description and claims
07 Jan 04	Drafting Patent Application, including meeting with clients
12 Jan 04	Drafting Patent Application, including modifying claims, adding specification and preparing figures
13 Jan 04	Drafting Patent Application, and sending draft to client

Please quote invoice number with payment.

Invoice

Passat, Inc.
Attn: Guerman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

July 12, 2004

Page 1

INVOICE # 585382

RE: 13592-3
CA P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
13 May 04	Preparing and arranging for the execution of an assignment

FEES

GST TAX ON FEES/DISBURSEMENTS

TOTAL BALANCE DUE IN CANADIAN FUNDS

\$

\$

DIRECT WIRE PAYMENTS CAN BE MADE TO: TD CANADA TRUST, 55 KING STREET WEST, TORONTO, ONTARIO
CANADA M5H 1A2. CREDIT TO BERESKIN & PARR A/C NO. 0004-01025-00680-0349901 BANK SWIFT: TDOMCATTOR

INTEREST WILL BE CHARGED ON INVOICES UNPAID AFTER 30 DAYS OF THE INVOICE DATE

Please quote invoice number with payment.

Invoice

Passat, Inc.
Attn: Guertman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

May 19, 2004

Page 1

INVOICE # 580335 ✓

RE: 13592-3
CA P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
03 Mar 04	Preparing and filing Canadian Patent Application

FEES

TAXABLE DISBURSEMENTS

Copy Charges	\$
Delivery Charges	\$ _____

Total Taxable Disbursements \$

NON-TAXABLE DISBURSEMENTS

Patent Office	\$ _____
Total Non-Taxable Disbursements	\$ _____

GST TAX ON FEES/DISBURSEMENTS

\$ _____

TOTAL BALANCE DUE IN CANADIAN FUNDS \$ _____

DIRECT WIRE PAYMENTS CAN BE MADE TO: TD CANADA TRUST, 55 KING STREET WEST, TORONTO, ONTARIO
CANADA M5H 1A2. CREDIT TO BERESKIN & PARR A/C NO. 0004-01025-00680-0349901 BANK SWIFT: TDOMCATTOR

INTEREST WILL BE CHARGED ON INVOICES UNPAID AFTER 30 DAYS OF THE INVOICE DATE
QUOTE invoice number with payment.

EXHIBIT C

Patent Application Data Sheet**Application Information**

Application Type:: Regular

Subject Matter:: Utility

Suggested

Classification::

Suggested Group Art

Unit::

CD-ROM or CD-R?::

Number of CD disks::

Number of copies of CDs::

Sequence submission?::

Computer Readable

Form (CRF)?::

Number of copies of CRF::

Title:: SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND OTHER OBJECTS

Attorney Docket Number:: 13592-2

Request for Early

Publication?:: No

Request for Non-Publication?:: No

Suggested Drawing Figure:: 4

Total Drawing Sheets:: 8

Small Entity?:: No

Latin Name::

Variety denomination

name::

Petition included?:: No

Petition Type::

Licensed US Govt.

Agency::

Contract or Grant

Numbers::

Secrecy Order in

Parent Appl.?:: No

Applicant Information

Inventor Authority Type:: Inventor

Primary Citizenship

Country:: Canadian

Status:: Full Capacity

Given Name:: Guerman

Middle Name:: Aronovich

Family Name:: Pasmanik

Name Suffix::

City of Residence:: Toronto

State or Prov. Of

Residence:: Ontario

Country of Residence:: Canada

Street of mailing address:: 1875 Steeles Avenue West, Apt. 429

City of mailing address:: Toronto

State or Province of

mailing address:: Ontario

Country of mailing address:: Canada

**Postal or Zip Code of
mailing address::** M3H 5T7

Primary Citizenship

Country:: Russia

Status:: Full Capacity

Given Name:: Larissa

Middle Name:: Rudolfovna

Family Name:: Tiour

Name Suffix::

City of Residence:: Thornhill

**State or Prov. Of
Residence::**

Ontario

Country of Residence:: Canada

Street of mailing address:: 71 Hord Crescent

City of mailing address:: Thornhill

**State or Province of
mailing address::** Ontario

Country of mailing address:: Canada

**Postal or Zip Code of
mailing address::** L4J 3A5

Correspondence Information

Correspondence Customer

Number:: 001059

Phone Number:: 416.364.7311.416.957.1603

Fax Number:: (416) 361-1398
E-Mail Address:: torsi@bereskinparr.com

Representative Information

Representative	
Customer Number::	001059

EXHIBIT D

Confirmation Report-Memory Send

Time : Jul-31-2003 12:22
 Tel line 1 : 416
 Tel line 2 : 416
 Name : BERESKIN & PARR

Job number : 121
 Date : Jul-31 12:20
 To : 9-4166610996
 Document Pages : 002
 Start time : Jul-31 12:20
 End time : Jul-31 12:22
 Pages sent : 002
 Status : OK
 Job number : 121

*** SEND SUCCESSFUL ***

Bereskin & Parr

Scotia Plaza, 40 King Street West, 40th Floor
 Toronto, Ontario, Canada M5H 3Y2
 t: 416 364 7311 f: 416 361 1998

TELEFAX TRANSMITTAL

TO: Guerman Pasmanik
FIRM: Passat, Inc.
FAX NO.: 416-661-0996
FROM: Allan Tameshit
DATE: July 31, 2003

PAGES: 2
 (Including cover sheet)

File No.: 13582-1
 Lawyer No.: 285

If transmission is interrupted or of poor quality, please notify us immediately by calling
 Cheri Chesworth at (416) 364-7311, ext. 6296

COMMENTS:

Dear Mr. Pasmanik:

As per your telephone conversation earlier this morning with Allan Tameshit, please find following a retainer letter (invoice #13582-1). A confirmation copy will follow by mail. (Please ignore the previous fax as the retainer letter didn't print on letterhead. Sorry for any inconvenience.)

Please do not hesitate to contact me if you have any questions or comments.

Best regards,

Cheri Chesworth

Cheri Chesworth
 Assistant to Allan Tameshit

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Confirmation Report - Memory Send

Time : Aug-01-2003 11:13
Tel line : 416-361-1398
Name : BERESKIN & PARR

Job number : 078
Date : Aug-01 11:11
To : 9-4166610996
Document pages : 002
Start time : Aug-01 11:11
End time : Aug-01 11:13
Pages sent : 002
Status : OK
Job number : 078

*** SEND SUCCESSFUL ***

Bereskin & Parr

Scoti Plaza, 40 King Street West, 40th Floor
Toronto, Ontario, Canada M5H 3Y2
t: 416 364 7311 f: 416 361 1398

TELEFAX TRANSMITTAL

TO: Gurman Pasmanik
FIRM: Passat, Inc.
FAX NO.: 416-661-0996
FROM: Allan Tameshtit
DATE: August 1, 2003

PAGES: 2
(Including cover sheet)

File No.: 13592-1
Lawyer No.: 285

If transmission is interrupted or of poor quality, please notify us immediately by calling
Cheri Chesworth at (416) 364-7311, ext. 6296

COMMENTS:

Dear Mr. Pasmanik:

As per your telephone conversation earlier this morning with Allan Tameshtit, please
find following a retainer letter (Invoice #13592-1) in U.S. dollars. A confirmation copy will
follow by mail.

Please do not hesitate to contact Allan Tameshtit if you have any questions or
comments.

Best regards,

Cheri Chesworth

Cheri Chesworth
Assistant to Allan Tameshtit

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and return the original message to us by mail. Thank you.

EXHIBIT E



**NEW CLIENT & NON CLIENT
NAME & ADDRESS INFORMATION**

TYPE (Select one)

CLIENT
 NON-CLIENT
 ADDITIONAL MAILING ADDRESS

ACTION(S)

OPEN NEW CLIENT/NON-CLIENT ADDRESS
 ADD NEW ATTENTION NAME
 CHANGE EXISTING ATTENTION NAME

CONFLICT SEARCH INFORMATION

Word(s) to be searched PASSAT, INC. / Guerman
Pasmanik

LV Search ID# 107565 / 107566

CLIENT INFORMATION

Client No./Non-Client Code 13592

Client/Non-Client Name PASSAT, INC.

Full Name _____

BILLING ADDRESS CODE A

Address Reference _____

Billing Attention Name Guerman Pasmanik

Address 401 Magnetic Drive
Unit 43

City Toronto

Prov./State/Other Ontario

Country Canada

Postal/Zip Code M3J 3H9

Phone No. 416-661-9633

Client Fax No. 416-661-0996

Client Internet Info _____

Partner Responsible No. 006

Partner Responsible Name HRH

Billing Lawyer 006

Bill Format 1 (Default) or _____

Client Type

Direct Client
 Agency Client
 Law Firm

Practice Type

Patent
 Trade Mark
 Design
 Copyright
 Litigation
 General

Practice Group Code

Trade Mark
 Patent General
 Patent Biotech
 Patent Computer & Electrical
 Litigation
 Copyright & New Media

Retainer Required (form letters)

YES
 NO

Fee Schedule (for AC or LF clients only)

YES NO

If YES check one

MP - Managing Partner
PTM - Patent & Trademark Department

Taxable
Interest
Monthly Statement

YES NO
 YES NO
 YES NO

Credit Category

A (Foreign Agents)
 B (Credit Worthy)
 C (All other Clients) Credit Limit for C \$1,000 or _____

EXHIBIT F

From: "Guerman Pasmanik" <guerman@passatltd.com>
To: "Allan Tameshtit" <atameshtit@bereskinparr.com>
Date: 8/11/03 5:41pm
Subject: Answer

Hi Allan,

Passat Ltd. has 7 employees.

Sincerely,

Guerman.

Passat Ltd.
401 Magnetic Dr., Unit 43
Toronto, Ontario
M3J 3H9 Canada
Tel.: (416) 661-9633
Fax: (416) 661-0996
E-mail: info@passatltd.com

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